

United States District Court

For the Northern District of California

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6 MARGIE CHERRY and ESTORIA CHERRY,
7 on behalf of themselves and all others similarly
8 situated,

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10 No. C 04-04981 WHA

11 Plaintiffs,

12 **ORDER RE CLASS COUNSEL
13 AND RE TRIAL ISSUES**

14 v.
15 THE CITY COLLEGE OF SAN FRANCISCO
16 (“City College”) LAWRENCE WONG, in his
17 official capacity as President of the Board of
18 Trustees, MILTON MARKS, III, in his official
19 capacity as Vice-President of the Board of
20 Trustees, DR. NATALIE BERG, JOHNNIE
21 CARTER, JR., DR. ANITA GRIER, JULIO J.
22 RAMOS, RODEL E. RODIS, in their official
23 capacities as members of the Board of
24 Trustees, and DR. PHILIP R. RAY, JR., in his
25 official capacity as Chancellor,

26 Defendants.

27 This order approves James C. Sturdevant and Mark T. Johnson as additional class
28 counsel based on the recently submitted materials. Counsel will be mindful of the need to be
efficient. In this regard, it has been the Court’s own experience, based on a quarter century of
trial work and six years on the bench, that a case of this size can be tried with two lawyers in the
courtroom and one paralegal plus one lawyer and one paralegal back at one office, during each
trial day. There will be times that more are needed and times that fewer are needed and times

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1 that some of the courtroom personnel can be spared to work back at the office in preparation for
 2 upcoming trial events. For purposes of attorney's fees petitions, please be mindful of the
 3 foregoing expectations.

4 Make sure that all time records are kept so as to be assembled later by "project."
 5 For each project, there must be a detailed description of the work, giving the date, hours
 6 expended, attorney name, and task for each work entry, in chronological order. A "project"
 7 means a deposition, a motion, a witness interview, and so forth. It does not mean generalized
 8 statements like "trial preparation" or "attended trial." It includes discrete items like "prepare
 9 supplemental trial brief on issue X." The following is an example of time collected by a
 10 project.

PROJECT: ABC DEPOSITION (2 DAYS IN FRESNO)					
Date	Time-keeper	Description	Hours	x	Rate = Fee
01-08-01	XYZ	Assemble and photocopy exhibits for use in deposition	2.0	\$100	\$200
01-09-01	RST	Review evidence and prepare to examine ABC at deposition	4.5	\$200	\$900
01-10-01	XYZ	Research issue of work-product privilege asserted by deponent	1.5	\$100	\$150
01-11-01	RST	Prepare for and take deposition	8.5	\$200	\$1700
01-12-01	RST	Prepare for and take deposition	<u>7.0</u>	\$200	<u>\$1400</u>
Project Total:			<u>23.5</u>	<u>\$4350</u>	

24 The inefficiencies in having two firms involved will have to be dealt with in any fee
 25 petition. Mr. Wallace's suggested practice of a "5-10 %" voluntary reduction may (or may not)
 26 be enough to constitute "billing judgment."

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Two additional points.

All counsel should be aware that this entire case must be tried within a three-week period. The Court is confident that this can be done if crisp examinations are the norm. The press of other cases awaiting their own trial date does not afford us more time. Plan accordingly.

Finally, if there is any *single* legal issue that *both sides can agree on* for an early disposition (i.e., by early January), then the Court will try to set an expedited briefing schedule. Please confer and let the Court know by Thursday the 15th at noon.

IT IS SO ORDERED.

Dated: December 12, 2005

Wm. Ahne

**WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE**